



CITY OF MANSFIELD

1200 East. Broad St.
Mansfield, TX 76063
www.mansfield-tx.gov

Meeting Minutes - Final City Council

Monday, August 1, 2011

5:00 PM

Council Chambers

REGULAR MEETING

5:00 P.M. - CALL MEETING TO ORDER

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Mayor Cook called the meeting to order at 5:15 p.m. and turned it over to City Manager Clayton Chandler for the work session.

Present 7 - Mike Leyman; David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Brose and Darryl Haynes

WORK SESSION (MULTI-PURPOSE ROOM)

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Follow-up Presentation of Proposed FY 2011/2012 Budget & Proposed Tax Rate

[play video](#)

Mr. Chandler made a powerpoint presentation on the Proposed FY 2011/2012 Budget and Proposed Tax Rate and answered Council questions. Director of Parks and Community Services answered Council questions. Director of Business Services Peter Phillis made comments and answered Council questions. Council Member Hoffman asked for a historical record by month of gas wells since day one. Director of Economic Development Scott Welmaker made comments and answered Council questions. City Engineer Bart VanAmburgh made brief comments and answered Council questions. Police Chief Gary Fowler made brief comments.

Mayor Cook adjourned the work session at 6:30 p.m.

RECESS INTO EXECUTIVE SESSION IMMEDIATELY FOLLOWING WORK SESSION

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Pursuant to Section 551.071 of the Texas Government Code, the Council reserves the right to convene into executive session(s) from time to time as deemed necessary during the meeting for any posted agenda item, to receive advice from its attorney as permitted by law.

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the Council into executive session at 6:32 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 6:38 p.m. Mayor

Cook adjourned executive session at 7:40 p.m.

Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071

City Attorney Briefing on Legend Mansfield Partners South Pad Site

Seek Advice of City Attorney Regarding Constitutional Law Issues Facing Municipal Governments

Discussion Regarding Possible Purchase, Exchange, Lease, or Value of Real Property Pursuant to Section 551.072

Discussion of Potential Right-of-Way Acquisition from Tracts 7, 7B, and 17I01, Abstract 1159 for Seeton Road and Holland Road

Personnel Matters Pursuant to Section 551.074

Board Appointments: Mansfield Economic Development Corporation

Deliberation Regarding Negotiations of the Industrial Development Corporation of an Offer of a Financial or Other Incentives to a Business Prospect Pursuant to Section 551.087

7:00 PM OR IMMEDIATELY FOLLOWING EXECUTIVE SESSION - RECONVENE INTO REGULAR BUSINESS SESSION

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Mayor Cook reconvened into regular business session at 7:51 p.m.

INVOCATION

[play video](#)

Council Member Broseh led the Invocation.

PLEDGE OF ALLEGIANCE

[play video](#)

Council Member Lindsey led the Pledge of Allegiance.

TEXAS PLEDGE

[play video](#)

"Honor the Texas Flag; I Pledge Allegiance to Thee, Texas, One State Under God; One and Indivisible"

Council Member Hoffman led the Texas Pledge.

CITIZEN COMMENTS

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Lorena Hernandez - 301 S. Walnut Creek - spoke about the use of chemicals in schools and on public grounds. She spoke about children's health problems due to cleaning supplies, pesticides and fertilizers used both at schools and in the parks, mentioning that organic material should be used instead. She asked the Council to do something about the use of chemicals, pesticides and fertilizers in our city.

Carl Wimberley - 410 W. Grand Pkwy. South - spoke as a representative of Legend Natural Gas. He spoke about the Britton, Harmon and South Pad gas well site. He stated Legend inherited the issues from the previous operator. He gave the Council a timeline of items that have been addressed regarding this pad site. Mr. Wimberley advised the Council they were working hard to bring the pads up to compliance.

Lucretia Mills - 1215 Brookfield Lane - spoke as the President of the Mansfield Area Chamber of Commerce. She made a powerpoint presentation on the Chamber's Quarterly Report.

COUNCIL ANNOUNCEMENTS

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Council Member Haynes acknowledged the Boy Scouts in the audience.

Council Member Hoffman asked for support for staff to provide an update on landscape and irrigation compliance on gas wells. He received support from Council Members Lindsey, Broseh, Haynes and Mayor Pro Tem Leyman. This will be provided to the Council after the budget process.

Mayor Pro Tem Leyman had no announcements.

Council Member Lindsey acknowledged the concern about chemical use.

Council Member Burgess encouraged citizens to participate in the National Night Out Program that will be held on Tuesday, August 2, 2011.

Council Member Broseh acknowledged the concern about chemical use. He encouraged the citizen to speak before the school board because the city has no jurisdiction over them.

Mayor Cook had no announcements.

STAFF COMMENTS

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City Manager Report or Authorized Representative

Current/Future Agenda Items

Mr. Chandler stated the technology report would be provided to the Council in the upcoming agenda. He advised that the Mansfield Activity Center has been designated as a heat designation point from 9:00 a.m. to 9:00 p.m. for citizens who do not have air conditioning at home.

Construction Update on US 287 Frontage Roads

[play video](#)

Bart VanAmburgh gave an update on the US 287 Frontage Roads mentioning the service roads will be one way beginning August 7, 2011. He also gave an update on the signal lights for E. Broad Street and Cannon and Matlock and Cannon stating they would probably not be functional before the beginning of school. Bart answered Council questions.

Update; Mansfield's Wurst Hometown Festival

[play video](#)

Shelly Lanners gave an update on Mansfield's Wurst Hometown Festival which will be held on Saturday, August 13, 2011 from 5:00 p.m. to 11:00 p.m., mentioning that city staff will be appearing on Good Morning Texas on Friday, August 12, 2011. Shelly stated there would be more details at the next meeting.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION[play video](#)

No action was taken by the Council.

CONSENT AGENDA[play video](#)**11-2354**

Ordinance - Third and Final Reading of an Ordinance Approving a Specific Use Permit for the Retail Sale and Installation of Tires and other General Auto Maintenance Excluding Paint and Body Repair on Approximately .97 Acres, Generally Located at the northeast corner of Holland Road and E. Broad Street (ZC#11-006)

City Secretary Vicki Collins read the caption into the record.

A motion was made by Council Member Hoffman to approve the following ordinance:

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT FOR

THE RETAIL SALE AND INSTALLATION OF TIRES AND OTHER GENERAL AUTO MAINTENANCE EXCLUDING PAINT AND BODY REPAIR ON THE HEREINAFTER DESCRIBED PROPERTIES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

(Ordinance in its entirety located in the City Secretary's Office)

Seconded by Council Member Broseh. The motion CARRIED with 7 ayes and 0 nays.

Enactment No: OR-1809-11

11-2356

Ordinance - Third and Final Reading of an Ordinance Adopting Speed Limit Changes and School Zones on Various Street Within the City of Mansfield

Vicki Collins read the caption into the record.

A motion was made by Council Member Hoffman to approve the following ordinance:

AN ORDINANCE AMENDING CHAPTER 73, OF THE TRAFFIC CODE OF ORDINANCES, CITY OF MANSFIELD, TEXAS, PURSUANT TO SECTION 545.356 OF THE TEXAS TRANSPORTATION CODE CONCERNING THE AUTHORITY TO ALTER SPEED LIMITS ON SPECIFIC STREETS AND HIGHWAYS BEING AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF SECTION 545.356 OF THE TEXAS TRANSPORTATION CODE, REGULATING SPEED LIMITS ON HIGHWAYS AND ROADWAYS, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION WITHIN THE CORPORATE LIMITS OF THE CITY OF MANSFIELD AS SET OUT IN THE ORDINANCE: REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION OF AN EFFECTIVE DATE; AND PROVIDING A PENALTY

(Ordinance in its entirety located in the City Secretary's Office)

Seconded by Council Member Broseh. The motion CARRIED with 7 ayes and 0 nays.

Enactment No: OR-1810-11

11-2395

Ordinance - First Reading of an Ordinance Establishing a Municipal Court Technology Fund

Vicki Collins read the caption into the record.

A motion was made by Council Member Hoffman to approve the first reading of "AN ORDINANCE ESTABLISHING A MUNICIPAL COURT TECHNOLOGY FUND; PROVIDING FOR THE ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT TECHNOLOGY FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE." Seconded by Council Member Broseh. The motion CARRIED with 7 ayes and 0 nays.

11-2375

Resolution - A Resolution Recognizing that the City Council of the City of Mansfield, Texas is Proposing to Adopt a Tax Rate on a Future Agenda

A motion was made by Council Member Hoffman to approve the following resolution:

A RESOLUTION RECOGNIZING THAT THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS IS PROPOSING TO ADOPT A TAX RATE ON A FUTURE AGENDA, THE PROPOSED TAX RATE ON THE FUTURE AGENDA IS CURRENTLY EXPECTED TO BE 71 CENTS PER ONE HUNDRED DOLLARS (\$100) OF ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY AS OF JANUARY 1, 2011. THE CITY COUNCIL WILL HAVE PUBLIC HEARINGS ON THE EXPECTED TAX RATE OF 71 CENTS PER ONE HUNDRED DOLLARS OF ASSESSED VALUATION AT THE NEXT REGULARLY SCHEDULED MEETINGS AND WILL ADOPT A BUDGET BEFORE THE ADOPTION OF A TAX RATE

(Resolution in its entirety located in the City Secretary's Office)

Seconded by Council Member Broseh. The motion CARRIED with 7 ayes and 0 nays.

Enactment No: RE-2715-11

11-2387

Resolution - A Resolution to Consider Granting an Easement to Dolce Living at Mansfield Apartment Homes for Purpose of Erecting a Safety Net Along the Course at Mansfield National Golf Club

A motion was made by Council Member Hoffman to approve the following resolution:

A RESOLUTION GRANTING AN EASEMENT TO DOLCE LIVING AT MANSFIELD APARTMENT HOMES FOR THE PURPOSE OF ERECTING A SAFETY NET ALONG THE COURSE AT MANSFIELD NATIONAL GOLF CLUB

(Resolution in its entirety located in the City Secretary's Office)

Seconded by Council Member Broseh. The motion CARRIED with 7 ayes and 0 nays.

Enactment No: RE-2716-11

11-2385

Request for Special Event Permit for Historic Mansfield Music and Arts Festival

A motion was made by Council Member Hoffman to approve the request for special event. Seconded by Council Member Broseh. The motion CARRIED with 7 ayes and 0 nays.

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA**11-2393**

Resolution - A Resolution Authorizing the City Manager to Execute Lease Agreement for the Purchase of Public Safety Equipment

Mayor Pro Tem Leyman removed this item from the consent agenda. Gary Fowler answered Council questions.

A motion was made by Mayor Pro Tem Leyman to approve the following resolution:

A RESOLUTION AUTHORIZING THE CITY OF MANSFIELD, TEXAS TO ENTER INTO A LEASE AGREEMENT TO PURCHASE RADIO EQUIPMENT FOR THE PURPOSE OF UPGRADING EMERGENCY RADIO EQUIPMENT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE LEASE AGREEMENTS IN AN AMOUNT NOT TO EXCEED \$372,856

(Resolution in its entirety located in the City Secretary's Office)

Seconded by Council Member Broseh. The motion CARRIED by the following vote:

Aye: 7 - Mike Leyman;David Cook;Stephen Lindsey;Wendy Burgess;Cory Hoffman;Larry Broseh and Darryl Haynes

Nay: 0

Abstain: 0

Enactment No: RE-2717-11

11-2376

Minutes - Approval of the July 11, 2011 Regular City Council Meeting Minutes

Council Member Hoffman removed this item from the agenda.

A motion was made by Mayor Cook to approve the July 11, 2011 Regular City Council Meeting Minutes as presented. Seconded by Council Member Haynes. The motion CARRIED by the following vote:

Aye: 5 - Mike Leyman;David Cook;Stephen Lindsey;Wendy Burgess and Darryl Haynes

Nay: 0

Abstain: 2 - Cory Hoffman and Larry Broseh

END OF CONSENT AGENDA

PUBLIC HEARING AND FIRST READING

[play video](#)

11-2384

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Zoning Change from MF-2 to PD for Multi-Family Apartments on Approximately 1.65 Acres, Generally Located at 380 N. SH 360; HP Civil Engineering (ZC#11-008)

[play video](#)

Vicki Collins read the caption into the record. Shaumburg Architects representative Eric France made brief comments and answered Council questions. Director of Planning Felix Wong answered Council questions. Mayor Cook opened the public hearing at 8:39 p.m. With no one wishing to speak, Mayor Cook continued the public

hearing through second reading at 8:39 p.m.

A motion was made by Council Member Broseh to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO A PD, PLANNED DEVELOPMENT DISTRICT FOR MULTI-FAMILY, PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE." Seconded by Council Member Hoffman. The motion CARRIED by the following vote:

Aye: 7 - Mike Leyman;David Cook;Stephen Lindsey;Wendy Burgess;Cory Hoffman;Larry Broseh and Darryl Haynes

Nay: 0

Abstain: 0

PUBLIC HEARING CONTINUATION AND SECOND READING

[play video](#)

11-2371

Ordinance - Public Hearing and Second Reading of an Ordinance Adopting Updated Land Use Assumptions, Updated Capital Improvement Plans for Water and Sewer, and Revised Water and Sewer Impact Fees

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Felix Wong made brief comments. Mayor Cook continued the public hearing at 8:42 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:42 p.m.

A motion was made by Council Member Hoffman to approve the second reading of "AN ORDINANCE ADOPTING UPDATED LAND USE ASSUMPTIONS, UPDATED CAPITAL IMPROVEMENT PLANS FOR WATER AND SEWER, AND REVISED WATER AND SEWER IMPACT FEES FOR THE CITY OF MANSFIELD, TEXAS, AS SET FORTH HEREIN; AMENDING CHAPTER 51 OF TITLE V OF THE CODE OF ORDINANCES, CITY OF MANSFIELD, TEXAS, AS AMENDED, TO REVISE THE IMPACT FEES THEREIN; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE." Seconded by Mayor Pro Tem Leyman. The motion CARRIED by the following vote:

Aye: 7 - Mike Leyman;David Cook;Stephen Lindsey;Wendy Burgess;Cory Hoffman;Larry Broseh and Darryl Haynes

Nay: 0

Abstain: 0

NEW BUSINESS

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[11-2388](#)

Ordinance - First Reading of an Ordinance of the City of Mansfield, Texas Approving the Atmos Mid-Tex RRM Filing for an Increase in Residential and Commercial Customer Charges of \$6.6 Million Associated with the Steel Service Line Replacement Program

[play video](#)

Vicki Collins read the caption into the record. Director of Utilities Joe Smolinski made brief comments.

A motion was made by Council Member Hoffman to approve the first reading of "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, ("CITY") APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC" OR "STEERING COMMITTEE") AND ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR "COMPANY") REGARDING THE COMPANY'S FOURTH ANNUAL RATE REVIEW MECHANISM ("RRM") FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; APPROVING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; REPEALING CONFLICTING RESOLUTIONS OR ORDINANCES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL." Seconded by Council Member Haynes. The motion CARRIED by the following vote.

Aye: 7 - Mike Leyman;David Cook;Stephen Lindsey;Wendy Burgess;Cory Hoffman;Larry Broseh and Darryl Haynes

Nay: 0

Abstain: 0

[11-2391](#)

Discussion and Possible Action Regarding Request by Mansfield Cares to Waive Zoning Change Fees

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Felix Wong answered Council questions.

A motion was made by Council Member Hoffman to waive the zoning change fee. Seconded by Council Member Haynes. The motion CARRIED by the following vote:

Aye: 6 - Mike Leyman;Stephen Lindsey;Wendy Burgess;Cory Hoffman;Larry Broseh and Darryl Haynes

Nay: 0

Abstain: 1 - David Cook

[11-2392](#)

Consideration of a request to revise the Development Plan for Jett Express Car Wash, a Planned Development for C-2 uses plus a Car Wash, located at

701 West Debbie Lane; Inc. (ZC#09-005A)

[play video](#)

Jett Express Car Wash LLC President John Unangst made brief comments and answered Council questions. Felix Wong answered Council questions. Mr. Chandler made comments. City Attorney Craig Magnuson answered Council questions.

A motion was made by Council Member Lindsey that this request does not constitute a significant change. Seconded by Mayor Pro Tem Leyman. The motion CARRIED by the following vote:

Aye: 6 - Mike Leyman;David Cook;Stephen Lindsey;Wendy Burgess;Larry Broseh and Darryl Haynes

Nay: 1 - Cory Hoffman

Abstain: 0

ADJOURN

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A motion was made by Council Member Hoffman to adjourn the meeting at 9:22 p.m. Seconded by Mayor Pro Tem Leyman. The motion CARRIED by the following vote:

Aye: 7 - Mike Leyman;David Cook;Stephen Lindsey;Wendy Burgess;Cory Hoffman;Larry Broseh and Darryl Haynes

Nay: 0

Abstain: 0

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary